

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WARREN DURHAM JR.	:	CA. NO. 02-82-ERIE
Plaintiff	:	
	:	District Judge Cohill
v.	:	Magistrate Judge Baxter
JAMES D. WASHBURN, individually, in	:	
his capacity as a police officer for the City	:	
of Erie; DOMINIC DILULLO, individually	:	
in his capacity as police officer for the City	:	
of Erie; WEST END AUTO BODY, INC;	:	
CITY OF ERIE and others not known	:	
presently to the Plaintiff,	:	

**MOTION FOR SUMMARY JUDGMENT IN BEHALF OF DEFENDANTS
WASHBURN, DILULLO AND CITY OF ERIE**

And Now, this 31st day of October, 2006, come Defendants James D. Washburn, Dominic DiLullo, and the City of Erie, and state the following in support of their Motion for Summary Judgment:

1. The Pleadings have closed and discovery is completed in this case.
2. All of the pleadings, depositions and other discovery, along with affidavits filed demonstrate that there is no material issue of fact between the parties and that these Defendants are entitled to judgment as a matter of law.

WHEREFORE, these defendants Summary Judgment under Rule of Civil Procedure 56, dismissing the Plaintiff's action with prejudice.

Respectfully Submitted,

OFFICE OF CITY SOLICITOR

By: /s/Gerald J. Villella, Esq.
Gerald J. Villella, Esquire ID 32814
626 State Street, Room 505
Erie, PA 16501
(814) 870-1235